

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

<b>CSX TRANSPORTATION, INC.,</b>	)	
<b>individually and on behalf of NORFOLK</b>	)	
<b>&amp; PORTSMOUTH BELT LINE</b>	)	
<b>RAILROAD COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.: 2:18cv530</b>
	)	
<b>v.</b>	)	
	)	
<b>NORFOLK SOUTHERN RAILWAY</b>	)	
<b>COMPANY, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**NORFOLK SOUTHERN RAILWAY COMPANY'S  
MOTION TO DISMISS COUNTS V, VII, VIII, AND IX OF THE COMPLAINT**

For the reasons set forth in the accompanying memorandum of law, defendant Norfolk Southern Railway Company, by counsel, moves this Court to dismiss Counts V, VII, VIII, and IX of the Complaint filed against it, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant Norfolk Southern Railway Company requests that this Court dismiss Counts V, VII, VIII, and IX of the Complaint with prejudice for failing to state a cause of action upon which relief can be granted.

Date: November 27, 2018

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY COMPANY**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of November, 2018, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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